

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
Dr. Anthony J. Baratta
Dr. William W. Sager

In the Matter of

TENNESSEE VALLEY AUTHORITY

(Bellefonte Nuclear Plant Units 1 and 2)

Docket Nos. 50-438-CP and 50-439-CP

ASLBP No. 10-896-01-CP-BD01

January 21, 2010

MEMORANDUM AND ORDER
(Scheduling Initial Prehearing Conference)

After reviewing (1) applicant Tennessee Valley Authority's (TVA) August 26, 2008 request that the Nuclear Regulatory Commission (NRC) reinstate the 10 C.F.R. Part 50 construction permits (CP) for two pressurized water reactors TVA had been in the process of building at its Bellefonte site near Scottsboro, Alabama, see Letter from Ashok S. Bhatnager, Senior Vice President, TVA, to NRC Document Control Desk at 1 (Aug. 26, 2008) (ADAMS Accession No. ML082410087); and (2) Joint Petitioners¹ May 8, 2009 hearing petition contesting the TVA reinstatement request, see Petition for Intervention and Request for Hearing by [Joint Petitioners] (May 8, 2009), the Licensing Board has tentatively concluded that it would be beneficial to conduct an initial prehearing conference during which it will entertain oral argument regarding the admissibility of the hearing petition. Certain of the administrative details associated with that argument are set forth below:

¹ Joint Petitioners include the Blue Ridge Environmental Defense League (BREDL) and its Bellefonte Efficiency and Sustainability Team chapter and the Southern Alliance for Clean Energy.

A. Initial Prehearing Conference Venue

The Board intends to conduct the argument from the Licensing Board Panel's Rockville, Maryland hearing room, with the proceeding being webstreamed so that members of the public in the vicinity of the Bellefonte facility can view/listen to the argument via the internet. To minimize travel time and expenses, as an alternative to all participants appearing in Rockville, the Board has made arrangements with the agency's Region II office to make available a conference room in its office space in the Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia, from which representatives of Joint Petitioners or TVA (if they wish to do so) can participate in the argument by videoconference.² In the joint scheduling report requested in section B below, Joint Petitioners and applicant TVA should indicate whether they wish to avail themselves of this opportunity, as opposed to participating by teleconference or in person from the Licensing Board Panel's Rockville hearing room.³

B. Date and Time for the Oral Argument

The Board is available on the following days to conduct the oral argument, which would begin at 9:00 a.m. Eastern Time (ET):

² Absent some indication to the contrary in the joint scheduling report requested in section B below, the Board presumes that NRC staff representatives would prefer to participate from Rockville. Also, representatives for the participants should anticipate that any individual with whom they wish to consult on technical or other questions that may arise during the argument would need to be present in the same location from which they are participating, absent some other arrangement (e.g., consultation by cell phone during a recess), which should be described in the joint scheduling report and approved by the Board prior to the conference.

³ If one or more of the participants decides to take part in the argument from the Region II conference room via videoconference, because that room is publicly accessible, it also will be available to those members of the public that wish to view the proceeding.

Monday, February 22, 2010

Friday, February 26, 2010

Monday, March 1, 2010

Friday, March 5, 2010

The Board requests that on or before Tuesday, January 26, 2010, TVA, the NRC staff, and Joint Petitioners provide the Board with a joint report that, among other things, specifies a date or dates when all the participants are available for an oral argument and indicates from which location their representatives intend to participate. Thereafter, the Board will notify the participants regarding the date of the argument, which the Board anticipates should last no more than one day.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

January 21, 2010

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NUCLEAR REGULATORY COMMISSION

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(Bellefonte Nuclear Power Plant -)	
Units 1 and 2))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (SCHEDULING INITIAL PREHEARING CONFERENCE) have been served upon the following persons by the Electronic Information Exchange (EIE) with additional service by email on persons marked with*.

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Docket Nos. 50-438 and 50-439-CP

LB MEMORANDUM AND ORDER (SCHEDULING INITIAL PREHEARING CONFERENCE)

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[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 21st day of January 2010.